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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/812,514         | 03/30/2004             | Michael A. Malcolm    | 101.1007.04            |

22883  
SWERNOFSKY LAW GROUP PC  
P.O. BOX 390013  
MOUNTAIN VIEW, CA 94039-0013



**CONFIRMATION NO. 3221**  
**FORMALITIES LETTER**  
  
 \*OC000000012921460\*

Date Mailed: 06/10/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$362** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$1262** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$362**

08/03/2004 EFLORES 00000065 10812514

|            |           |
|------------|-----------|
| 01 FC:1001 | 770.00 0P |
| 02 FC:1051 | 130.00 0P |
| 03 FC:1202 | 18.00 0P  |

- **\$344** for **4** independent claims over **3**.
- **\$18** for **1** total claims over **20**.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

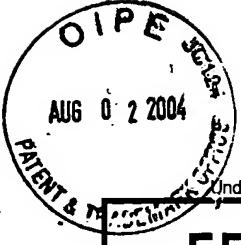
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*A copy of this notice **MUST** be returned with the reply.*

*T.L.Vn*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



22883

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant Claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 918.00)

## Complete if Known

|                      |             |
|----------------------|-------------|
| Application Number   | 10/812,514  |
| Filing Date          | 3/30/2004   |
| First Named Inventor | Malcolm     |
| Examiner Name        | NYA         |
| Art Unit             | NYA         |
| Attorney Docket No.  | 101.1007.04 |

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account

Deposit Account Number

50-0365

Deposit Account Name

Swernofsky Law Group PC

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

#### Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath                    | \$130.00 |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet |          |
| 1053     | 130      | 1053     | 130      | Non-English specification                              |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for ex parte reexamination        |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action    |          |

1251 110 2251 55 Extension for reply within first month

1252 420 2252 210 Extension for reply within second month

1253 950 2253 475 Extension for reply within third month

1254 1,480 2254 740 Extension for reply within fourth month

1255 2,010 2255 1,005 Extension for reply within fifth month

1401 330 2401 165 Notice of Appeal

1402 330 2402 165 Filing a brief in support of an appeal

1403 290 2403 145 Request for oral hearing

1451 1,510 1451 1,510 Petition to institute a public use proceeding

1452 110 2452 55 Petition to revive - unavoidable

1453 1,330 2453 665 Petition to revive - unintentional

1501 1,330 2501 665 Utility issue fee (or reissue)

1502 480 2502 240 Design issue fee

1503 640 2503 320 Plant issue fee

1460 130 1460 130 Petitions to the Commissioner

1807 50 1807 50 Processing fee under 37 CFR 1.17(q)

1806 180 1806 180 Submission of Information Disclosure Stmt

8021 40 8021 40 Recording each patent assignment per property (times number of properties)  
 Filing a submission after final rejection (37 CFR 1.129(a))

1809 770 2809 385 For each additional invention to be examined (37 CFR 1.129(b))

1810 770 2810 385 Request for Continued Examination (RCE)

1801 770 2801 385 Request for expedited examination of a design application

1802 900 1802 900

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 130.00)

## FEE CALCULATION

### 1. BASIC FILING FEE

#### Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description        | Fee Paid |
|----------|----------|----------|----------|------------------------|----------|
| 1001     | 770      | 2001     | 385      | Utility filing fee     | 770.00   |
| 1002     | 340      | 2002     | 170      | Design filing fee      |          |
| 1003     | 530      | 2003     | 265      | Plant filing fee       |          |
| 1004     | 770      | 2004     | 385      | Reissue filing fee     |          |
| 1005     | 160      | 2005     | 80       | Provisional filing fee |          |

SUBTOTAL (1) (\$ 770.00)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

|                    | Extra Claims | Fee from below            | Fee Paid |
|--------------------|--------------|---------------------------|----------|
| Total Claims       | 21           | -20** = 1 X 18.00 = 18.00 | = 18.00  |
| Independent Claims | 2            | - 3** = 0 X =             | =        |

#### Multiple Dependent

| Large Entity | Small Entity | Fee Description  |
|--------------|--------------|--|
| Fee Code     | Fee Code     | Fee Description  |
| 1202         | 18           | 2202 9 Claims in excess of 20                                    |
| 1201         | 86           | 2201 43 Independent claims in excess of 3                        |
| 1203         | 290          | 2203 145 Multiple dependent claim, if not paid                   |
| 1204         | 86           | 2204 43 *Reissue independent claims over original patent         |
| 1205         | 18           | 2205 9 **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 18.00)

\*\* or number previously paid, if greater; For Reissues, see above

| SUBMITTED BY      |                      | Complete if applicable            |        |                        |
|-------------------|----------------------|-----------------------------------|--------|------------------------|
| Name (Print/Type) | Steven A. Swernofsky | Registration No. (Attorney/Agent) | 33,040 | Telephone 650-947-0700 |
| Signature         |                      |                                   | Date   | 7-28-2004              |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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AUG 02 2004

22883

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |    |                        |                  |
|--|----|------------------------|------------------|
|  |    | Application Number     | 10/812,514       |
|  |    | Filing Date            | Mar 30, 2004     |
|  |    | First Named Inventor   | Malcolm, Michael |
|  |    | Art Unit               | NYA              |
|  |    | Examiner Name          | NYA              |
| Total Number of Pages in This Submission | 27 | Attorney Docket Number | 101.1007.04      |

### ENCLOSURES (check all that apply)

|   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form (2 copies)                     | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance communication to Group  |
| <input checked="" type="checkbox"/> Fee Attached (PTO Form 2038 – 2 copies)             | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                    |
| <input checked="" type="checkbox"/> Amendment / Reply                                   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)             |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                                      | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                                      | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><br>Return Postcard |
| <input type="checkbox"/> Express Abandonment Request                                    | <input type="checkbox"/> Terminal Disclaimer                              |  |
| <input type="checkbox"/> Information Disclosure Statement                               | <input type="checkbox"/> Request for Refund                               |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                         | <input type="checkbox"/> CD, Number of CD(s) _____                        |  |
| <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application   | <input type="checkbox"/> Remarks  |  |
| <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |                      |                 |
|-------------------------|----------------------|-----------------|
| Firm or Individual name | Steven A. Swernofsky | Reg. No. 33,040 |
| Signature               |                      |                 |
| Date                    | 7-28-2004            |                 |

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                      |              |         |
|----------------------|--------------|---------|
| Type or printed name | Dedur Stolcs |         |
| Signature            |              | Date    |
|                      |              | 7/28/04 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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